

March 2021



Executive Summary for the Third Report of the Federal Monitor, Covering the Period from April 2020 through September 2020

This is the third Chief Monitor's Report (CMR-3) outlining the compliance levels of the Puerto Rico Police Bureau ("PRPB") in relation to the Consent Decree entered between the United States and the Commonwealth of Puerto Rico. This report provides the third assessment following the four-year capacity building period established by the Consent Decree that ran from June 2014 to October 2018, and covers the period from April 2020 through September 2020 (Commonwealth's previous administration).

CMR-3's performance period also covers the beginning of the COVID-19 pandemic and the resulting social and economic impacts of the large-scale quarantine. Both law enforcement activities and the monitoring process itself were significantly impacted, including travel restrictions and the temporary closure of PRPB's Reform Office due to the Commonwealth's mandatory quarantine restrictions.

Overall, PRPB received lower ratings in CMR-3 than in CMR-2 across virtually all areas of the decree. This is due to several factors, primarily related to PRPB's knowledge management and information technology capacity. PRPB failed to meet deadlines for submitting key data to the Monitor's Office and thus was rated as partially compliant or not compliant on many paragraphs.¹ More broadly, CMR-3 raised numerous issues with PRPB's capacity to identify, collect, disseminate, and analyze, valid data on its performance. Furthermore, travel restrictions and CDC guidelines inhibited the ability of the Monitor's Office to conduct site visits to make observations and review data on site in Puerto Rico. The Monitor's Office outlines these concerns and recommends corrective action, where applicable, throughout the report.

¹ See ECF No. 1667, Monitor's Amended Response to Motion in Compliance with Transition Order, which provides further details of the Monitor's efforts to obtain from PRPB the relevant data for CMR-3.

March 2021

The Monitor is hopeful that the above issues related to PRPB's data management and responsiveness to data requests will be addressed going forward, and has had several discussions with the newly appointed PRPB Commissioner about these concerns. Commissioner Lopez, whose appointment occurred during reporting period for CMR-4, has expressed his willingness to work with the Monitor's Office to resolve these issues.

The following summary provides an overview of our compliance assessment for each area of the Agreement.

1. Professionalization

While PRPB has made some limited progress in Professionalization, mostly in policy development, PRPB needs to improve execution of these policies and procedures to achieve substantial compliance.

Professionalization Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	1	0
Staffing & Community Policing	0	1	0	0
Promotions	1	2	1	3
Commander Corps	0	0	0	1
Total	1	3	2	4

2. Use of Force

Due to PRPB's unresponsiveness to data requests from the Monitor's Office, the Monitor was unable to verify compliance with many of the Use of Force requirements under the Consent Decree. Nevertheless, the Monitor has determined that PRPB failed to implement the most significant recommendations from CMR-2 related to use of force reporting. First, the Monitor requested that PRPB modify the relevant tracking systems to require data on use of force before the system generates a complaint number on arrests and other incidents. PRPB modified key forms, but has not implemented them through Centro de Mando. As a result, the Monitor again uncovered serious discrepancies in bureau-wide reporting of use of force numbers for the thirteen Area Commands.

Second, the Monitor requested that PRPB modify its use of force policy to end the practice of combining multiple uses of force under one report. Though PRPB policy currently allows this practice, it violates the requirements of the Consent Decree and deviates from generally accepted police practices. Combining multiple uses of force prevents thorough

March 2021

and adequate investigation of each use of force to determine whether it was justified and adhered to policy.

Use of Force Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	1	3	1	0
Specialized Tactical Units	0	4	1	0
Crowd Control	0	3	1	0
Force Reporting	0	0	4	0
Force Review & Investigation	0	0	3	0
Supervisory and FRB Reviews	0	0	4	1
FIU Investigations & SFRB Reviews	0	1	3	1
Use of Force Training	0	1	2	0
Responding to Mental Health Crisis	0	2	0	0
Total	1	14	19	2

3. Searches and Seizures

PRPB has developed policies on arrests, searches, and seizures that are consistent with the Consent Decree and with generally accepted police practices. Search warrants generally have well documented probable cause and supporting evidence. However, the Monitor is concerned about the high percentage of search warrants conducted during this period, many of which had negative results (i.e., no drugs were found, and no arrests were made). Furthermore, arrest files continue to lack key forms such as booking sheets and medical examinations that have been signed by supervisors.

Searches and Seizures Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	2	0	0
Investigatory Stops and Searches	0	0	5	0
Arrests	0	3	6	0
Searches	0	2	2	0
Training on Stops, Searches, and Seizures	0	2	0	0
Total	0	9	13	0

4. Equal Protection and Non-Discrimination

Due to PRPB's unresponsiveness to data requests from the Monitor's Office, the Monitor was unable to verify compliance with many of the Consent Decree's requirements under Equal Protection and Non-Discrimination. The key areas in which PRPB was determined

March 2021

to be in compliance relate to the development of policies and the staffing of a hotline for reporting sex crimes. In other areas, however, the Monitor was forced to rate PRPB as not in compliance with the Consent Decree due to lack of information. The Monitor stresses the urgent need for information on how PRPB is addressing the recent declaration of a gender-based violence crisis during the pandemic. The Monitor's Office is nonetheless encouraged by the current government's public emergency declaration on this issue.

Equal Protection and Non-Discrimination Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	2	5	0
Discriminatory Policing	0	2	2	2
Sexual Assault and Domestic Violence	0	0	0	8
Total	0	4	7	10

5. Policies and Procedures

PRPB continues to be largely compliant with the Consent Decree in this area, thanks to the work done with the parties to develop policies during the four-year capacity-building period. However, PRPB has struggled to achieve substantial compliance for two reasons. First, PRPB has not attained approval from the Monitor's Office and the Court on all updates to policies over the past year. Second, PRPB has not demonstrated that an updated policy manual containing approved policy updates is available to all personnel.

Policies and Procedures Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	7	1	0

6. Supervision and Management

Due to PRPB's unresponsiveness to data requests from the Monitor's Office, the Monitor was unable to verify compliance with many of the Consent Decree's requirements under Supervision and Management. Interviews and site visits conducted before the COVID-19 Pandemic showed that in some policing areas PRPB lacked the proper number of first-line supervisors, e.g., sergeants, which has resulted in inexperienced agents taking on the role of a supervisor. In some cases, supervisors supervised more than ten agents. However, PRPB was unable to provide a list of personnel to validate this observation on a bureau-wide basis for CMR-2. This is also true for CMR-3. PRPB needs to improve data systems so they can provide the Monitor's Office with data in a timely manner.

March 2021

Supervision and Management Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	1	0
Duties of Supervisors	0	0	4	1
Performance Evaluation	0	0	2	0
Early Identification System	0	0	7	0
Internal Audits and Interagency Feedback	0	0	4	0
Total	0	0	18	1

7. Civilian Complaints, Internal Investigations, and Discipline

PRPB has made progress to ensure that administrative misconduct complaints are widely solicited, thoroughly investigated, and fairly adjudicated so as to engender transparency, accountability, and public trust. Despite the positive signs in the data, the Monitor's Office rated PRPB as not compliant with many paragraphs of the Consent Decree due to a lack of representative data. In response to the Monitor's request for a sample of 54 active and closed SARP investigations, PRPB only provided access to 24 closed investigations, and 20 additional ethics violations. Though this limited sample provided substantial data for the Monitor to analyze, these 44 cases did not correspond to the sample requested by the Monitor's Office and do not suffice to generalize the results to the totality of internal investigations.

Civilian Complaints, Internal Investigations, and Discipline Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Civilian Complaints	0	1	0	2
Internal Investigations	0	0	3	0
Complaint Intake & Handling	0	1	7	3
Investigation of Complaints	3	1	10	3
Staffing, Selection, & Training Requirements	0	1	1	1
Preventing Retaliation	0	0	0	1
Discipline	0	2	1	0
Officer Assistance and Support	1	1	1	1
Total	4	8	23	11

8. Community Engagement and Public Information

PRPB has minimally implemented community policing. Though PRPB conducted a needs study and developed a plan to deploy personnel for more effective community partnership, this plan has not been effectively implemented. Community Interaction

March 2021

Councils demonstrate a need for uniform operational procedures and effective implementation, including the allocation of resources and budgeting. While the Monitor's Office recognizes that crime prevention is the central priority for PRPB, community policing strategies offer a wide variety of methods to address these goals.

Community Engagement and Public Information Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Community Oriented Policing	0	1	2	0
Community Interaction Councils	0	4	1	0
Public Information	0	0	4	0
Total	0	6	7	0

9. Information Technology

PRPB has been unsuccessful in increasing its IT capacity since CMR-1. IT development and training have not progressed to the point where PRPB can successfully leverage IT systems to complete its policing mandates or chart compliance in other areas of the Agreement. These gaps have been demonstrated by inconsistencies in the data on use of force, and by PRPB's failure to meet deadlines for providing data that the Bureau's Reform Office should have direct access to through its IT systems. PRPB's backsliding on CMR-3 demonstrates once again that PRPB cannot come into compliance with the Consent Decree until it fully develops the IT systems required to track its performance, train personnel on these systems, and make them fully accessible and operational.

Information Technology Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	6	0

In summary, PRPB has demonstrated a commitment to reform and has already allocated substantial efforts and resources toward implementing the most recent recommendations of the Monitor's Office. Nevertheless, significant reform efforts lie ahead before PRPB achieves all the key performance benchmarks outlined in the Consent Decree. The full report presents detailed compliance assessment and recommendations by the Monitor's Office.

Rate of Compliance for each Section of the Agreement Over Time (per Chief Monitor's Report)

